

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA )  
 )  
 )  
 v. ) Case No. 1:07-CR-79  
 )  
 )  
 THOMAS HEFFNER ) COLLIER/CARTER

## ORDER

On December 4, 2007, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant Thomas Heffner's ("Defendant") plea of guilty to Count One of the Indictment, the lesser included offense of conspiracy to distribute cocaine base ("crack"), in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C), in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in Count One of the Indictment, the lesser included offense of conspiracy to distribute cocaine base ("crack"), in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C); (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter (Doc. 128). Neither party filed an objection within the given ten days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's Report and Recommendation (Doc. 128) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to Count One of the Indictment, the lesser included offense of conspiracy to distribute cocaine base ("crack"), in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C), in exchange for the undertakings made by the government in the written plea

agreement, is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Indictment, the lesser included offense of conspiracy to distribute cocaine base (“crack”), in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C);

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN** in custody pending sentencing.

**SO ORDERED.**

**ENTER:**

/s/

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**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**